THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1812 of 2006

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Dated:01.02.2006

Between:

B. Satish Kumar Gupta, S/o. (Late) S. Bhagatram Gupta,
R/o. Flat No. 104, Mohini Mansion, 1-2-18, Ganganmahal Road,

Domalguda, Hyderabad.

..... PETITIONER

AND

Municipal Corporation of Hyderabad, Rep by its Commissioner, Tank

Bund, Hyderabad, and another.

.....RESPONDENTS

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WRIT PETITION No.1812 of 2006

ORDER:

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The petitioner's father was allotted an extent of Acs.1.137 of industrial plot bearing No.21/1 situated at Azamabad Industrial Area, Hyderabad. The allotment was by way of a lease for 99 years and the lessee was required to set up a manufacturing unit. In 1990 the Government of Andhra Pradesh terminated the lease vide their orders in G.O.Ms.No.225, dated 23.03.1990. Assailing the same, the petitioner filed W.P.No.7025 of 1990, and subsequently, the same was withdrawn on 30.01.1994, as the petitioner wanted to pursue the matter with the Government. Ultimately, in 2005, the Government of Andhra Pradesh rejected the request of the petitioner for re-allotment of the land, assailing which the petitioner filed W.P.No.25167 of 2005. Though the writ petition was admitted, this Court did not pass any interim orders in favour of the petitioner. It appears, subsequently, the Government sold the selfsame land to the second respondent under registered sale deed. Be that as it is, the petitioner alleges that the second respondent without obtaining any permission from the first respondent took up excavation for raising columns. Therefore, he seeks a

writ of mandamus directing the first respondent to take necessary action against the second respondent, who is allegedly making unauthorized construction on plot No.21/1 at Azamabad.

The matter was initially listed yesterday. The learned Standing Counsel and the learned Counsel for the second respondent, Sri V.Raghu, took time till today to get instructions in the matter. Today, when the case is called, the learned Senior Counsel for the second respondent, Mr.K.Pratap Reddy, on instructions, submits that the second respondent purchased the property under registered sale deed dated 23.11.2005 and that it is planning to set up a Printing Press after obtaining necessary permission from the Municipal Corporation of Hyderabad. He further submits that the second respondent has not taken up any construction, and excavation is made for the purpose of soil testing. The same is recorded.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

01.02.2006

vs